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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/277,619	07/20/94	MACIA	N 4847
		DGM1/0327	EXAMINER UPTON, C
RICHARD R MYBECK 8010 EAST MORGAN TRAIL SUITE 10 SCOTTSDALE AZ 85258-1234		ART UNIT	PAPER NUMBER <i>Z</i>
		1308	
		DATE MAILED:	03/27/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on \_\_\_\_\_  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1.  Notice of References Cited by Examiner, PTO-892.  
2.  Notice re Patent Drawing, PTO-948.  
3.  Notice of Art Cited by Applicant, PTO-1449.  
4.  Notice of Informal Patent Application, Form PTO-152.  
5.  Information on How to Effect Drawing Changes, PTO-1474.  
6.  \_\_\_\_\_

**Part II SUMMARY OF ACTION**

1.  Claims 1-16 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims \_\_\_\_\_ have been cancelled.

3.  Claims 1, 5, 6, 11, 15 and 16 are allowed.

4.  Claims 2-4, 7 and 12-14 are rejected.

5.  Claims 8-10 are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable.  not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been  approved by the examiner.  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed on \_\_\_\_\_, has been  approved.  disapproved (see explanation).

12.  Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has  been received  not been received.  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

**EXAMINER'S ACTION**

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15. Claims 2-4 and 12-14 are rejected under 35 U.S.C. § 112, fourth paragraph, as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claims 2-4 and 12-14 recite flow rates, which are functional limitations failing to limit the structure claimed.

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claim 7 is rejected under 35 U.S.C. § 102(b) as being anticipated by Fulton, Koseki et al or DeVisser et al.

Fulton, Koseki and DeVisser each disclose cylindrical filters with a tangential inlet and backwash means, as claimed.

18. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 5, 6, 11, 15 and 16 are allowable over the prior art of record.

Claims 2-4 and 12-14 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

The recitation of a filter with a tangential inlet and a backwash means comprising either a standpipe with a plurality of

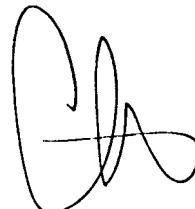
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radial nozzles and means for rotating and reciprocating the standpipe; or a plurality of standpipes having a plurality of rotating nozzles patentably distinguishes over the prior art of record.

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Other references of interest include the backwash systems of Collins and Keck.

20. Any inquiry concerning this communication should be directed to Christopher Upton at telephone number (703) 308-3741.



CHRISTOPHER UPTON  
PRIMARY EXAMINER  
GROUP 1300